

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.33969 of 2023**

Arising Out of PS. Case No.-403 Year-2022 Thana- GAYA COMPLAINT
CASE District- Gaya

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MD. ABDULLAH Son of Late Abdulgani Resident of village - Dhamani, P.S.-
Koshma, Dist.- Aurangabad, Bihar - 824125

... .. Petitioner/s

Versus

1. The State of Bihar Bihar
2. Shahnaz Bano @ Shahnaz Khatoon Wife of Md. Abdullah D/o Md. Shamim, R/o vill.- Dhamani, P.S.- Kashma, Dist.- Aurangabad, At Present Vill.- Goshpur, P.S.- Gurua, Dist.- Gaya

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Anmol Kumar
For the Opposite Party/s : Mr.Md. Nazir Ansari

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CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 10-10-2023 Heard Mr. Anmol Kumar, learned counsel for the

petitioner and Md. Nazir Ansari, learned A.P.P. for the State.

The petitioner apprehends his arrest in connection
with Complaint Case No. 403 of 2022 dated 17.06.2022
registered for the offence under Sections 498(A), 323, 504, 341 of
the Indian Penal Code.

The case relates to matrimonial dispute in which the
complainant is subjected to assault and torture on account of
non-fulfillment of demand of dowry.

Learned counsel appearing for the petitioner submits
that the petitioner, who is of clean antecedent, is innocent and
has falsely been implicated in this case. He further submits that



the allegation, as alleged in the complaint petition, is false and fabricated and the petitioner has not committed any offence.

It appears from the order dated 29.08.2023 that on the request of learned counsel for the parties, the matter was referred to the Mediation and Conciliation Center, Patna High Court for settlement of their dispute and both the parties are directed to appear before the Mediation and Conciliation Centre, Patna High Court on 26.09.2023. The report of learned Mediator reveals that dispute between the parties has been resolved through the process of mediation on the ground of memorandum of agreement between them dated 06.10.2023.

Learned counsel for the parties also submits that the dispute between the parties have amicably been resolved by way of mediation and nothing remains in this case for further prosecution.

Considering the facts and circumstances of the case and the report of learned mediator, let the, above named, petitioner, in the event of his arrest or surrender before the court below within a period of four weeks, be released on bail on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Sessions Judge, Gaya in connection with Complaint Case No. 403 of 2022, subject to the conditions laid down under Section 438(2) of the Cr.P.C. as also with the following conditions:-



(1) Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court and shall remain physically present as directed by the Court and on his/her absence on two consecutive dates without sufficient reason, his/her bail bond shall be canceled by the Court below.

(2) If the petitioner tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

And, further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage, it is found that the petitioner has concealed his criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Rajesh Kumar Verma, J)

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